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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/863,888	05/22/2001	Anthony William Jorgenson	KES-00-001	9420

7590 03/11/2005
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Sierra Patent Group
P.O. Box 6149
Stateline, NV 89449

EXAMINER

GEORGE, KEITH M

ART UNIT	PAPER NUMBER
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2663

DATE MAILED: 03/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/863,888

Applicant(s)

JORGENSEN ET AL.

Examiner

Keith M. George

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 9-14, 20, 25-27, 33, 37-39 and 45 is/are rejected.
- 7) ☒ Claim(s) 4-8, 15-19, 21-24, 28-32, 34-36, 40-44 and 46-48 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 9, 10, 12 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Furukawa et al., U.S. Patent 5,757,871, hereinafter Furukawa.

3. Referring to claims 1 and 12, Furukawa teaches in figure 1 an example of a SONET network. The synchronous transmission network receives data from an asynchronous transmission network and returns the data to an asynchronous transmission network according to clock signals from a standardized clock source BITS. The SONET of Figure 1 has terminals LTE1 and LTE2 connected to the asynchronous transmission network, and an add-drop multiplexer ADM between the terminals LTE1 and LTE2. The terminal LTE1 receives asynchronously transmitted data (receiving an encoded data), maps the data into an SPE (Synchronous Payload Envelope) (mapping said received data to a predetermined data) that matches a SONET frame, adds an initial pointer value to the data and send the data to the add-drop multiplexer ADM (multiplexing said mapped predetermined data) (column 4, lines 41-53).

4. Referring to claim 9, Furukawa teaches the method described in reference to claim 1 above and also clearly teaches that the step of mapping the data into a SPE can also be consider a

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synchronization step, therefore the multiplexing step would also perform its function on synchronized data (column 4, lines 49-53).

5. Referring to claims 10 and 20, Furukawa teaches the method described in reference to claims 9 and 12 above and also clearly teaches the use of a standardized clock source BITS (predetermined clock signal) (column 4, lines 42-45).

6. Claims 25 and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by Byers, U.S. Patent 5,959,996, hereinafter Byers.

7. Referring to claims 25 and 37, Byers teaches a data network server that comprises a multiplicity of units in order to connect a data stream from the telephone network to the Internet. Data network service center comprises a DS3 demultiplexer which demultiplexes DS3 into 28 DS1s comprising 672 DS0 channels (demultiplexing a received data). Each channel is delivered to and received from a channel bank which translates between pulse code modulation (PCM) and ISDN data (translating demultiplexed data to a predetermined data). ISDN data lines are connected between channel bank and a plurality of ISDN modems. ISDN modems translate to the data protocol from ISDN into a local area network protocol such as Ethernet and transmit a data on local area network to a broadband router (generating a corresponding encoded data based on translated predetermined data) (column 2, lines 26-41).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 2-3 and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Furukawa in view of Adams et al., U.S. Patent 5,761,424, hereinafter Adams. Furukawa teaches the method described in reference to claims 1 and 12 above with the possible exception that the synchronous transmission network included data encoded in a Fiber Channel and is 8B/10B encoded data. Adams teaches Fiber Channel protocols operating over a link medium where ordered sets are 32 bit values encoded into 40 bit values using the well known 8b/10b encoding methods (column 7, lines 30-35). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use the encoding method 8b/10b in the SONET network of Furukawa because the 8b/10b encoding method is well known and it is also well known that a SONET network operates over an optical network comprising a Fiber Channel.

10. Claims 26, 27, 38, 39 rejected under 35 U.S.C. 103(a) as being unpatentable over Byers. Byers teaches the method described in reference to claims 25 and 37 above with the possible exception of receiving data including a plurality of STS-3 signals. However, Byers clearly has taught receiving a DS3 signal (column 2, lines 28-32) and also indicates that an OC3 link can replace one or more DS3s (column 3, lines 58-63). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art that in order to increase bandwidth, STS-3 signals could be used to replace an OC3 link. One of ordinary skill in the art would have been motivated to do this in order to increase the capacity of the system of Byers.

11. Claims 33 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Byers in view of Furukawa. Byers teaches the method described in reference to claims 25 and 37 above with the possible exception teaching a step of synchronizing the translated data.

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Furukawa teaches that when a terminal receives asynchronously transmitted data, the data is synchronized and mapped into a SPE that matches a SONET frame (column 4, lines 48-51). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art that the PCM data received by Byers should be synchronized as taught by Furukawa when it is translated into ISDN data. One of ordinary skill in the art would have been motivated to do this in order to create data that is usable by the ISDN modem of Byers.

Allowable Subject Matter

12. Claims 4-8, 15-19, 21-24, 28-32, 34-36, 40-44 and 46-48 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

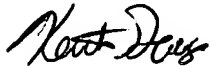
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith M. George whose telephone number is 571-272-3099. The examiner can normally be reached on M-Th 7:00-4:30, alternate F 7:00-3:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Q. Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Keith M. George
3 March 2005



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SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2663

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